

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 13-26 are pending, with Claims 1-12 cancelled and Claims 13-26 newly added by the present amendment.

In the outstanding Office Action, Claims 6-9, 11, and 12 were rejected under 35 U.S.C. § 103(a) as unpatentable over Das (U.S. Patent Publication No. 2003/0087605) in view of Seo (U.S. Patent Publication No. 2002/0075946); Claims 1, 2, and 4 were allowed; and Claim 10 was indicated as allowable.

Applicants acknowledge with appreciation the indication of allowable subject matter.

Applicants traverse the rejection of Claims 6-9, 11, and 12 under 35 U.S.C. § 103(a) as unpatentable over Das in view of Seo. Contrary to the Official Action, paragraphs [0016] – [0017] of Das do not disclose or suggest changing a transmission format of data transmitted from the base station through the downlink in response to the quality information transmitted. In fact, Das does not in any way disclose or suggest varying a transmission rate by changing a transmission format of data transmitted from the base station through the downlink in response to the quality information transmitted. Similarly, paragraphs [0015] – [0017] of Das do not disclose or suggest that the report cycles do not have a relationship of a multiple. Sao does not cure the deficiencies of Das.

While previously pending Claims 6-9, 11, and 12 clearly distinguish over Das and Seo, to further clarify Applicants' claimed invention, Claims 1-12 are cancelled and Claims 13-26 are added by the present amendment. For at least the reasons identified above, Applicants submit that Das and Seo fail to disclose the invention recited in Claims 13-26.

Application No. 10/507,519
Reply to Office Action of October 19, 2005

Consequently, in view of the foregoing discussion, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Michael E. Monaco
Registration No. 52,041

I:\ATTY\MM\AMENDMENT\0057\265298US AMENDMENT REVISED PER CLIENT INSTRUCTIONS 4-7-06.DOC